



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,249	11/26/2001	Naoki Cho	MAT-8206US	8430

7590 05/16/2005

Lawrence E. Ashery
Ratner & Prestia, Suite 301
One Westlakes
P.O. Box 980
Valley Forge, PA 19482-0980

EXAMINER

THOMPSON, JAMES A

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,249

Applicant(s)

CHO ET AL.

Examiner

James A. Thompson

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Uyeno (US Patent 5,946,636).

Regarding claim 1: Uyeno discloses an apparatus (figure 2 of Uyeno) comprising a call-in detecting means for detecting a call-in (column 3, lines 15-19 of Uyeno); a number display signal detecting means for detecting a number display signal (column 3, lines 18-23 of Uyeno); and luminous display body color control means for controlling the display color of a luminous display body (column 3, lines 21-23 of Uyeno), wherein when the call-in detecting means detects the call-in (column 3, lines 15-19 of Uyeno) and a telephone number indicated by the number display signal detected by the number display signal detecting means is matched with a telephone number registered in the facsimile apparatus (column 3, lines 15-20 of Uyeno), the luminous display body color control means makes the luminous display body illuminate by designating a predetermined color

Art Unit: 2624

corresponding to the matched telephone number (column 3, lines 18-23 of Uyeno). A microprocessor (figure 2(25) of Uyeno) controls data and information pertinent to the various functions of the apparatus, along with the actuation and function of the color codes, wherein the associated data and computer programs are stored in the memory (figure 2(30) of Uyeno) of the apparatus (column 2, lines 62-67 of Uyeno). The call-in detecting means, number display signal detecting means, and luminous display body color control means are the corresponding portion of said microprocessor, along with the physically embodied computer software stored in memory, which perform the corresponding functions of said call-in detecting means, number display signal detecting means, and luminous display body color control means.

Regarding claim 2: Uyeno discloses a telephone directory registering/retrieving module for retrieving information (column 3, lines 15-21 of Uyeno) including a telephone number registered in a telephone directory memory (column 3, lines 5-12 of Uyeno), wherein when the telephone directory registering/retrieving module judges that the telephone number indicated by the number display signal is matched with a telephone number registered in the facsimile apparatus (column 3, lines 18-21 of Uyeno), the luminous display body color control unit makes the luminous display body illuminate by specifying a predetermined color corresponding to the matched telephone number (column 3, lines 21-23 of Uyeno).

A microprocessor (figure 2(25) of Uyeno) controls data and information pertinent to the various functions of the apparatus, along with the actuation and function of the color codes, wherein the associated data and computer programs are stored in

Art Unit: 2624

the memory (figure 2(30) of Uyeno) of the apparatus (column 2, lines 62-67 of Uyeno). The call-in detecting module, number display signal detecting module, luminous display body color control module, and telephone directory registering/retrieving module are the corresponding portion of said microprocessor, along with the physically embodied computer software stored in memory, which perform the corresponding functions of said call-in detecting module, number display signal detecting module, luminous display body color control module, and telephone directory registering/retrieving module. Thus, said call-in detecting means is a call-in detecting module, said number display signal detecting means is a number display signal detecting module, and said luminous display body color control means is a luminous display body color control module.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uyeno (US Patent 5,946,636) in view of Lew (US Patent 6,483,898 B2).

Regarding claim 3: Uyeno discloses an apparatus (figure 2 of Uyeno) comprising a call-in detecting means for detecting a call-in (column 3, lines 15-19 of Uyeno); and a color control

Art Unit: 2624

unit for controlling the color of an LCD backlight (column 3, line 66 to column 4, line 4 of Uyeno), based on the predefined category of incoming telephone call (column 3, lines 58-65 of Uyeno). A microprocessor (figure 2(25) of Uyeno) controls data and information pertinent to the various functions of the apparatus, along with the actuation and function of the color codes, wherein the associated data and computer programs are stored in the memory (figure 2(30) of Uyeno) of the apparatus (column 2, lines 62-67 of Uyeno). The call-in detecting module and color control unit are the corresponding portion of said microprocessor, along with the physically embodied computer software stored in memory, which perform the corresponding functions of said call-in detecting module and color control unit.

Uyeno does not disclose expressly that, when the call-in detecting module detects the call-in, the color control unit makes the LCD backlight light up by designating a first predetermined color, and when a facsimile call-in is detected, the color control unit makes the LCD backlight light up by designating a second predetermined color.


Lew discloses using different display icons (figure 2A (15a,15b) and figure 4(16b,16c) of Lew) to display different types of incoming messages (column 4, lines 17-21 and lines 25-27 of Lew). Two types of possible incoming messages are incoming calls (figure 2A(15a) and column 7, lines 34-36 of Lew) and facsimile calls (figure 2A(16) and column 9, lines 23-27 of Lew).

Uyeno and Lew are combinable because they are from the same field of endeavor, namely the control and handling of incoming communications and data. At the time of the invention, it would

Art Unit: 2624

have been obvious to a person of ordinary skill in the art to use different displays for different types of incoming communication, such as phone calls and fax messages, as taught by Lew. Since Uyeno differentiates different types of incoming messages by displaying a different color, combining Lew with Uyeno would suggest to one of ordinary skill in the art at the time of the invention to use a different predetermined color for the LCD backlight, as taught by Uyeno, but for the different types of incoming communication, as taught by Lew, instead of different telephone numbers, as taught by Uyeno. Thus, the apparatus of Uyeno would be combined with the more comprehensive overall system taught by Lew. The motivation for doing so would have been to be able to use and coordinate a wider variety of possible incoming data transmissions rather than simply voice transmissions. Therefore, it would have been obvious to combine Lew with Uyeno to obtain the invention as specified in claim 3.

Regarding claim 4: Uyeno does not disclose expressly that when the call-in detecting module detects a call-in in a voice mail mode and a voice mail is started, the color control unit makes the LCD backlight light up by designating a third predetermined color showing the start of the voice mail.

Lew discloses that when a call-in in a voice mail mode is detected and a voice mail is started, an icon (figure 2A(15b())) of Lew) specifically indicative of the start of the voice mail is shown (column 9, lines 23-27 of Lew).

Uyeno and Lew are combinable because they are from the same field of endeavor, namely the control and handling of incoming communications and data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a third predetermined indicator for a voice mail message, as

Art Unit: 2624

taught by Lew, said indicator being a third predetermined color, as taught by Uyeno, which is therefore controlled by the color control unit which makes the LCD backlight up the designated third predetermined color. The motivation for doing so would have been to be able to use and coordinate a wider variety of possible incoming data transmissions, in this case received and stored voice mail transmissions, rather than simple voice call transmissions. Therefore, it would have been obvious to combine Lew with Uyeno to obtain the invention as specified in claim 4.

Further regarding claim 5: As discussed in the arguments regarding claim 3, which are incorporated herein, when a facsimile call-in is detected, the LCD backlight is illuminated by designating the second predetermined color showing the facsimile call-in. As is well-known in the art, a CNG signal is the signal used by a facsimile machine to alert the receiving machine that a facsimile machine is connecting. Since the CNG signal is how the facsimile call-in is detected, then it is inherent that the LCD backlight is illuminated by designating the second predetermined color showing the facsimile call-in when a CNG signal is detected.

Further regarding claim 6: As discussed in the arguments regarding claim 3, which are incorporated herein, Lew discloses that separate distinct predetermined icons, and thus separate distinct predetermined backlight colors for the apparatus taught by Uyeno in view of Lew, are displayed in the cases of receiving a voice mail message or a facsimile call-in (figure 5 and column 9, line 23-27 of Lew). A first predetermined color therefore shows the start of operation of the voice mail. Further, as is well-known in the art, a CNG signal is the signal used by a facsimile machine to alert the receiving machine that a

Art Unit: 2624

facsimile machine is connecting. Since the CNG signal is how the facsimile call-in is detected, then it is inherent that the LCD backlight is illuminated by designating the second predetermined color showing the facsimile call-in when a CNG signal is detected.

Further regarding claim 7: Lew discloses detecting an identification signal from an e-mail server, wherein a predetermined icon is displayed (figure 5(☒ or other suitable icon) of Lew), showing the call-in of the e-mail (column 9, lines 23-27 of Lew). As discussed in the arguments regarding claim 3, which are incorporated herein, Lew discloses that separate distinct predetermined icons, and thus separate distinct predetermined backlight colors for the apparatus taught by Uyeno in view of Lew, are displayed in the cases of receiving different types of call-in messages (figure 5 and column 9, line 23-27 of Lew). Thus, if a call-in and an identification code showing a call-in of an e-mail is detected by the call-in detection module, then the color control unit makes the LCD backlight light up by designating a third predetermined color showing the call-in of the e-mail.

Further, a microprocessor (figure 2(25) of Uyeno) controls data and information pertinent to the various functions of the apparatus, along with the actuation and function of the color codes, wherein the associated data and computer programs are stored in the memory (figure 2(30) of Uyeno) of the apparatus (column 2, lines 62-67 of Uyeno). Thus, a portion of the microprocessor along with a corresponding portion of the physically embodied software which performs the step of detecting the identification signal from an e-mail server is an identification signal detecting module.

Art Unit: 2624

Regarding claims 8 and 11: Uyeno discloses a number display signal detecting means for detecting a number display signal (column 3, lines 18-23 of Uyeno); and a telephone directory registering/retrieving module for registering and retrieving (column 3, lines 15-21 of Uyeno) a telephone directory (column 3, lines 5-12 of Uyeno), wherein when the number display signal detecting module detects the number display signal (column 3, lines 18-23 of Uyeno), and when the telephone directory registering/retrieving module judges that the telephone number indicated by the number display signal is matched with a telephone number registered in the telephone directory (column 3, lines 18-21 of Uyeno), the color control unit makes the LCD backlight light up by designating a fourth predetermined color corresponding to the matched telephone number (column 3, lines 21-23 of Uyeno).

A microprocessor (figure 2(25) of Uyeno) controls data and information pertinent to the various functions of the apparatus, along with the actuation and function of the color codes, wherein the associated data and computer programs are stored in the memory (figure 2(30) of Uyeno) of the apparatus (column 2, lines 62-67 of Uyeno). The number display signal detecting module and telephone directory registering/retrieving module are the corresponding portion of said microprocessor, along with the physically embodied computer software stored in memory, which perform the corresponding functions of said number display signal detecting module and telephone directory registering/retrieving module.

Art Unit: 2624

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uyeno (US Patent 5,946,636) in view of Lew (US Patent 6,483,898 B2) and Gerszberg (US Patent 6,385,305 B1).

Regarding claim 9: Uyeno in view of Lew does not disclose expressly a timer showing the present date and time, wherein the color control unit judges if the present date has reached a preset date, and when the present date is judged to coincide with the preset date, the LCD backlight is illuminated by designating a third predetermined color.

Gerszberg discloses a timer which shows the present date and time, wherein if the present date is judged to have reached a preset date, and the present date is judged to coincide with the preset date, a specific predetermined message is displayed (figure 9 and column 10, lines 34-39 of Gerszberg).

Uyeno in view of Lew is combinable with Gerszberg because they are from the same field of endeavor, namely the control and handling of multiple types of communications and data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the timer taught by Gerszberg in combination with the color control unit taught by Uyeno to judge if a preset date and time coincides with the present date and time and, if so, produce a specific predetermined display, as taught by Gerszberg. By combining with Uyeno in view of Lew, the predetermined display would be a third predetermined color which is designated as the color to be illuminated by the LCD backlight taught by Uyeno. The motivation for doing so would have been to remind a potentially forgetful user about an important occasion (column 10, lines 36-37 of Gerszberg). Therefore, it would have been obvious to combine Gerszberg with

Art Unit: 2624

Uyeno in view of Lew to obtain the invention as specified in claim 9.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uyeno (US Patent 5,946,636) in view of Lew (US Patent 6,483,898 B2) and Kameyana (US Patent 5,934,661).

Regarding claim 10: Uyeno in view of Lew does not disclose expressly an irregular condition detector for detecting an irregular condition of the facsimile apparatus, wherein when the irregular condition detector detects the irregular condition, the color control circuit makes the LCD backlight light up by designating a predetermined color.

Kameyana discloses detecting an irregular condition of the facsimile apparatus, wherein when the irregular condition is detected, a predetermined message is displayed (column 9, lines 51-53 of Kameyana).

Uyeno in view of Lew is combinable with Kameyana because they are from similar problem solving areas, namely displaying various statuses in a facsimile system. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to display an error status with a predetermined message indicating what kind of error is produced when an irregular (error) condition is detected, as taught by Kameyana, wherein the predetermined message is instead a designated predetermined color used to illuminate the LCD backlight display, as taught by Uyeno. A microprocessor (figure 2(25) of Uyeno) controls data and information pertinent to the various functions of the apparatus, along with the actuation and function of the color codes, wherein the associated data and computer programs are stored in the memory (figure 2(30) of

Art Unit: 2624

Uyeno) of the apparatus (column 2, lines 62-67 of Uyeno). Therefore, the irregular condition detector is simply a portion of physically embodied software, as taught by Uyeno, programmed according to the functions taught by Uyeno in view of Lew and Kameyana. The motivation for doing so would have been that it is generally desirable to ascertain if there is an error, and thus an irregular condition, in an electronic device so that a user can then determine what to do in regards to the error. Therefore, it would have been obvious to combine Kameyana with Uyeno in view of Lew to obtain the invention as specified in claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624

JAT
06 May 2005



THOMAS D
~~THOMAS D~~ LEE
PRIMARY EXAMINER